

**ENTERED**

June 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

DAVID GARCIA SALAZAR,

Plaintiff,

VS.

SHELLPOINT MORTGAGE SERVICING, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:20-CV-204

**ORDER ADOPTING REPORT AND RECOMMENDATION**

In November 2020, Plaintiff David Garcia Salazar filed his Original Petition and Request for Temporary Restraining Order in Texas state court. (Petition, Doc. 1-2) Defendant NewRez LLC d/b/a Shellpoint Mortgage Servicing removed to federal court and moves to dismiss under Federal Rule of Civil Procedure 12(c).<sup>1</sup> (Notice of Removal, Doc. 1; Motion to Dismiss, Doc. 11) Garcia did not respond to the Motion.

On June 9, 2021, the United States Magistrate Judge issued a Report and Recommendation recommending that the Motion be granted and all claims dismissed with prejudice. (Report and Recommendation, Doc. 14) No party filed any objections to the Report and Recommendation. The Court finds no plain error in the Report and Recommendation.

The Court **ADOPTS** the Report and Recommendation. As a result, it is:

**ORDERED** that Defendant Shellpoint's Rule 12(c) Dismissal Motion (Doc. 11) be **GRANTED**; and


**ORDERED** that all of Plaintiff David Garcia Salazar's causes of action against Defendant NewRez LLC d/b/a Shellpoint Mortgage Servicing are **DISMISSED WITH PREJUDICE**.

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<sup>1</sup> Garcia also sued substitute trustee Connie Cobb, but never effectuated service on her. She has not appeared in this lawsuit.

The Clerk of Court is directed to close this matter.

Signed on June 25, 2021.

  
Fernando Rodriguez, Jr.  
United States District Judge